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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

NOV 22 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Advanced Television Systems
and their Impact Upon the Existing
Television Broadcast Service

MM DOCKET NO. 87-268

TO: The Commission

**COMMENTS OF
RAPID BROADCASTING COMPANY**

On behalf of Rapid Broadcasting Company ("RBC"), we hereby submit these Comments in response to the Commission's *Sixth Further Notice of Proposed Rule Making* ("*Sixth NPRM*") in the captioned proceeding, in which the Commission proposes to allot a second 6 MHz channel to each full power television station for digital television ("DTV") purposes, in a manner estimated to result in the destruction of up to 45% of all existing low power television ("LPTV") stations, and the displacement of many others. *Sixth NPRM*, ¶ 66. In coming up with its proposed DTV allotment scheme, the Commission did not take existing LPTV stations into account. This was an egregious error that is both arbitrary and capricious since it also does not take the public interest into account. In RBC's case, for example, the Commission could have selected different DTV channels for the full power stations involved that would not have required displacement of RBC's LPTV stations.

RBC is the permittee of LPTV Stations K27ED and K31DK in Rapid City, South Dakota and operates KNBN-LP (Channel 24) in Rapid City pursuant to a local marketing agreement ("LMA") with the licensee of that station. RBC is the exclusive NBC network affiliate for the Rapid City Designated Market Area ("DMA") and most viewers who

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watch NBC programming over RBC's facilities do not realize they are watching an LPTV station. Indeed, RBC's LPTV station provides all of the network and local programming that any other full power TV station would provide. Thus, from the perspective of the average viewer in Rapid City, KNBN-LP looks like a full power TV station.

Although the Commission states that it "continue[s] to recognize the benefits that low power stations provide to the public," (*NPRM*, ¶ 67) its failure to take LPTV into account in devising its proposed DTV allotments reduces that recognition to mere lip service. In the case of RBC, the Commission's proposals would displace both KNBN-LP and K31DK by virtue of the proposed allotments of Channels 33 and 24 to KOTA-TV (Channel 3, Rapid City) and KHSD-TV (Channel 11, Lead, SD), respectively. Had the Commission taken RBC's stations into account, it could have allotted Channels 40 and 62 to KOTA and KHSD in lieu of Channels 33 and 24, and thereby avoided any displacement of existing LPTV service. See attached Technical Statement of Graham Brock, Inc. By allotting Channel 40 to KOTA and 62 to KHSD, both stations would still have a channel in the Commission's "core spectrum" and there would be no required displacement of the NBC programming currently carried on Channel 24 by KNBN-LP.

While we support the Commission's proposals which include (1) compensation of LPTV stations for any required displacement costs (*Sixth NPRM*, ¶ 68); (2) setting aside channels specifically for use by displaced LPTV stations (*id.*, ¶ 70); and taking terrain and other engineering factors into account in finding replacement channels (*id.*, ¶ 71), the fact remains that many of the problems created by the Commission's proposed DTV allotment scheme could have been avoided simply by taking LPTV service into account. As the

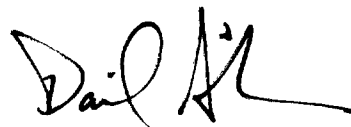
attached Technical Exhibit shows, the displacement of RBC's channels could have been *and should be* avoided.

If the Commission is to take the public interest into account, as it must, then it must also realize that viewers cannot distinguish between full power and low power TV stations. Particularly in the case of RBC, which is the NBC network affiliate for the Rapid City DMA, displacement would cause loss of viewership, additional expense, and disruption to an existing service, all of which can be avoided merely by revising the proposed DTV allotments as suggested herein to avoid unnecessary displacement of RBC's channels.

Respectfully submitted,

RAPID BROADCASTING COMPANY

By:



David M. Silverman

COLE, RAYWID & BRAVERMAN, L.L.P.

1919 Pennsylvania Ave., N.W.

Suite 200

Washington, D.C. 20006

(202) 659-9750

Its Attorneys

November 22, 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
RAPID BROADCASTING COMPANY
MM DOCKET # 87-268
LOW POWER TELEVISION STATIONS
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
November 1996

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
RAPID BROADCASTING COMPANY
MM DOCKET # 87-268
LOW POWER TELEVISION STATIONS
KNBN-LP/K27ED/K31DK
RAPID CITY, SOUTH DAKOTA
November 1996

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Rapid Broadcasting Company ("RBC"), licensee/permittee of Low Power Television stations K27ED and K31DK, Rapid City, South Dakota. RBC also has an LMA with the permittee of KNBN-LP, Channel 27, Rapid City, South Dakota. RBC herein submits technical comments related to the proposed HDTV channel pairings proposed in MM Docket #87-268.

2. In the Commission's Further Notice of Rule Making, MM Docket #87-268, two full power stations; KOTA-TV, Channel 3, Rapid City, and KHSD-TV, Channel 11, Lead (both South Dakota) were given HDTV paired Channel 33 and 24 respectively. The proposed Channel 33 would displace K31DK and the proposed Channel 24 would displace KNBN-LP.

3. Therefore, a search was conducted to determine the availability of alternate paired channels which would not displace the authorized low power stations. Exhibit #1 demonstrates Channel 40 could be allotted to Rapid City, South Dakota, at the KOTA-TV transmitter site in compliance with the Commission's rules. Further, Exhibit #2 demonstrates Channel 62 can be allotted to Lead, South Dakota, at the present KHSD-TV transmitter site.¹ Allocating these alternate channels would not cause the displacement of any existing Low Power Television facilities in Rapid City, South Dakota.

1) The spacing studies for both Channels 40 and 62 are based on the minimum distance separation requirements for NTSC stations and are considered worst case for HDTV allotments. The impact to LPTV stations was also considered. No authorized LPTV stations would deliver interference to either Channel 40 or Channel 62.

4. The foregoing Technical Statement and attached exhibits were prepared on behalf of Rapid Broadcasting Company by Graham Brock, Inc., its Technical Consultants. All data related to the proposed channels was extracted from the NTIA TV Database as updated on November 15, 1996. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

SPACING STUDY(FULL SERVICE)/RECEIVED INTERFERENCE CHECKS (LPTV)
NEW TV ALLOCATION
CHANNEL 40
RAPID CITY, SOUTH DAKOTA

Reference Site (KOTA-TV): N. Lat 44° 04' 08" W. Lng 103° 15' 03"

Channel # 40 (Primarily)

| Pwr= 5000 | | H.A.A.T= 600 M | | Required | | Clear | Bear. | Dist. |
|-----------|--------------|-----------------|-----------|--------------|--------------------|-------|-------|--------|
| 25N | <i>K25FH</i> | <i>ALZADA</i> | <i>MT</i> | <i>XCP</i> | 106.6 ¹ | 61.3 | 316.2 | 167.86 |
| 26N | <i>K26BE</i> | <i>SHERIDAN</i> | <i>WY</i> | <i>XLI D</i> | 106.6 ² | 48.7 | 281.4 | 299.48 |
| 26+ | <i>K26ES</i> | <i>CASPER</i> | <i>WY</i> | <i>XCP</i> | 106.6 ³ | 181.5 | 239.3 | 288.05 |
| 26+ | AP576 | BISMARCK | ND | VAP | 95.7 | 242.4 | 33.0 | 338.12 |
| 26+ | AP578 | BISMARCK | ND | VAP | 95.7 | 244.0 | 34.4 | 339.69 |
| 26+ | AP577 | BISMARCK | ND | VAP | 95.7 | 244.0 | 34.4 | 339.69 |
| 40+ | <i>K40ES</i> | <i>CASPER</i> | <i>WY</i> | <i>XCP</i> | 280.8 ⁴ | 7.3 | 239.3 | 288.05 |

Note : **Bold Entries are Full Service Stations.**

Note : *Italics enteries are LPTV/TV Translators.*

1) Required distance based on Grade B contour of 5000 kw/600 meter HAAT facility.

2) See footnote 1 supra.

3) See footnote 1 supra.

4) While facility is LPTV stations, we applied the co-channel distance seperation for full service station as require distance.

CHANNEL 40 STUDY

EXHIBIT #1
TECHNICAL COMMENTS
RAPID BCG. COMPANY
LOW POWER TV STATIONS
RAPID CITY, SO. DAKOTA

November 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

SEARCHTV (C) 1988-94, D. Vernier

Graham Brock, Inc.
Broadcast Technical Consultants
St. Simons Island, GA - Washington, DC

SPACING STUDY (FULL SERVICE) / RECEIVED INTERFERENCE CHECKS (LPTV)
NEW TV ALLOCATION
CHANNEL 62
LEAD, SOUTH DAKOTA

Reference Site (KHSD-TV): N Lat 44° 19' 30" W Lng 103° 50' 12"

Channel # 62Z (Primary)

| | Pwr= 5000 | H.A.A.T= 600 M | | | Required | Clear | Bear. | Dist. |
|-----|-----------|------------------|-----|-------|--------------------|-------|-------|--------|
| 48+ | K48FK | CASPER | WY | XCP | 106.6 ¹ | 159.4 | 228.7 | 265.99 |
| 61N | K61BL | COLSTRIP, ETC MT | XLI | D | 87.7 ² | 206.1 | 304.9 | 293.77 |
| 62+ | K62FE | CASPER | WY | XCP | 230.1 ³ | 35.9 | 228.7 | 265.99 |
| 62N | K62AV | LOWRY | SD | XLI D | 280.8 ⁴ | 41.8 | 70.9 | 322.62 |
| 62+ | AL627 | LOWRY | SD | AAL | 280.8 | 43.4 | 70.2 | 324.15 |
| 69N | K69AL | VALENTINE | NE | XLI D | 100.0 | 208.8 | 120.8 | 308.76 |
| 69N | K69DJ | PHILIP, ETC. | SD | XLI | 100.0 | 75.0 | 103.1 | 175.01 |

Note : **Bold Entries are Full Service Stations.**

Note : *Italics enteries are LPTV/TV Translators.*

- 1) Required Distance is based on Grade B contour of 5000 kw/600 meter HAAT facility.
- 2) Based on first adjacent channel seperaion requirements.
- 3) Required distance is based on desired/undesired ratio: 36dBu (50/10) for LPTV station (123.5 km) and 64 dBu (50/50) for Channel 62Z (106.6 km).
- 4) Distance based on co-channel distance seperation requirnmnts.

CHANNEL 62 STUDY

EXHIBIT #2
TECHNICAL COMMENTS
RAPID BCG. COMPANY
LOW POWER TV STATIONS
RAPID CITY, SO. DAKOTA

November 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

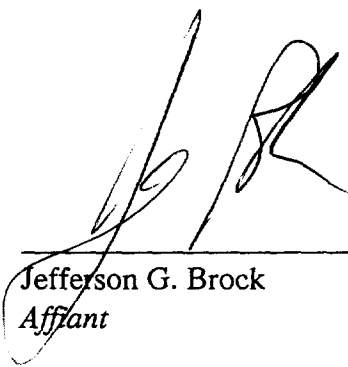
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Rapid Broadcasting Company to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

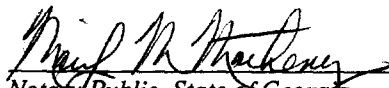
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 21st day of November, 1996.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 21st day of November, 1996*



Notary Public, State of Georgia
My Commission Expires: September 12, 1999